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DISTRICT 10 PRO BONO REPORT 2000

HISTORY

The District 10 Committee has met for a year in our home counties of Greene, Owen, Monroe and Lawrence to assess the need for and provision of *pro bono* services. A district-wide survey was conducted of each attorney residing in the District with extraordinary results. The importance of *pro bono* work was reflected by the number of attorneys responding to the survey.

According to the Supreme Court Clerk there are 325 attorneys residing in District 10, 54% of whom responded to the survey. The primary focus of the survey was to determine how many attorneys were providing legal services to the indigent, the nature of those services and strategies for increasing lawyer participation in *pro bono* efforts. Of those responding, 78% have provided *pro bono* services in the last year and the efforts included the representation of indigent clients through the organized volunteer program operated by LSO, speaking to senior citizen groups, taking referrals from courts and advising not-for profit organizations.

Many attorneys thought *pro bono* services might be limited to fields such as family law and landlord-tenant law and they felt unqualified to help with these areas. Government and corporate attorneys felt their employers would not allow them to participate in *pro bono* programs. There was enthusiasm for development of *pro bono* opportunities that would include these attorneys and others not interested in the traditional representation mode of providing services. A majority of these attorneys felt it was very important to have a district approach that was broad enough for each attorney to participate and the District 10 Committee agrees.

MEMBERSHIP and GOVERNANCE

The District 10 Pro Bono Committee is comprised of attorney and non-attorney members from within Greene, Lawrence, Monroe, and Owen counties. Members of the Committee are appointed to serve for terms of either two (2) years or three (3) years.

<u>Member</u>	<u>Position and Term Expiration</u>
Hon. Elizabeth N. Mann Monroe Circuit Court IV 301 N. College Avenue Bloomington, IN 47404	Judge designated to preside November 1, 2002
John Haury HAURY & WOODWARD 1534 I Street Bedford, IN 47421	Bar Representative November 1, 2001 Lawrence County
Hon. Suzanne Sturgeon Owen Circuit Court Spencer, IN 47460	At-large Representative November 1, 2001 Owen County
Mona Paddock HARTMAN & PADDOCK 44 S. Franklin Street Bloomfield, IN 47424	Bar Representative November 1, 2002 Greene County
Earl Singleton IU School of Law Law Bldg, Room 300 Bloomington, IN 47405	Legal Services Provider Member of State Commission November 1, 2002
Jamie Andree Legal Services Org. of Indiana, Inc. 242 West 7 th Street Bloomington, IN 47404	Legal Services Provider November 1, 2001 All four District 10 counties

Maryann Williams
HICKAM & HICKAM
10 S. Main Street
Spencer, IN 47460

Bar Representative
November 1, 2002
Owen County

Jeff R. Hawkins
ROWE & HAWKINS, LLC
103 West Main Street
Jasonville, IN 47438

At-large Representative
November 1, 2002
Greene County

Frances Hill
936 S. High St.
Bloomington, IN 47401

At-large Representative
November 1, 2001
Monroe County

Thomas Frohman
Legal Services Org. of Indiana, Inc.
242 West 7th Street
Bloomington, IN 47404

Legal Services Provider
November 1, 2002
All four District 10 counties

Mary Beasley
R. R. #18, Box 753
Bedford, IN 47421

At-large Representative (past recipient)
November 1, 2002
Lawrence County

Bruce Hewetson
DONOVAN EMERY & HEWETSON
1501 J Street, Suite 401
Bedford, IN 47421

Bar Representative
November 1, 2001
Lawrence County

Joseph D. O'Connor
BUNGER & ROBERTSON
Suite 226, S. College Avenue
Bloomington, IN 47402

Bar Representative
November 1, 2001
Monroe County

Hon. Viola Taliaferro
Monroe Circuit Court VII
301 N. College Avenue
Bloomington, IN 47404

Member of State Commission
November 1, 2002
Monroe County

William Beggs
BUNGER & ROBERTSON
Suite 226, S. College Avenue
Bloomington, IN 47402

Bar Representative
November 1, 2001
Monroe County

Susan H. Nelson
CHAPMAN & NELSON
278 W. 7th Street
Bloomington, IN 47404

Bar Representative
November 1, 2001

Catherine Stafford
Legal Services Org. of Indiana, Inc.
242 West 7th Street
Bloomington, IN 47404

Legal Services Provider
November 1, 2002
All four District 10 counties

John Snethen
505 Tulip Tree House
Bloomington, IN 47405

Law Student Representative
Ex Officio
Monroe County

Kristen Glazner
400 S. Henderson, Apt. #1
Bloomington, IN 47401

Law Student Representative
Ex Officio
Monroe County

EXISTING PRO BONO PROGRAMS

Though our district-wide survey results show that lawyers in District 10 are quietly providing *pro bono* services through churches, battered women's shelters, senior citizen groups and court appointments, there are some formal programs within the district that allow lawyers to offer their services. A detailed description of these formal programs is included in our 1999 Annual Report. A brief summary follows here.

- (1) **The Bloomington office of Legal Services Organization of Indiana, Inc.** serves indigent persons in the four counties, using income and asset eligibility rules

established by Legal Services Corporation. In 1999 LSOI handled 576 cases in District 10 through the services of salaried attorneys, attorneys accepting reduced fees and attorneys providing volunteer services. The average cost per case is \$285. LSOI manages the volunteer attorney program, which currently has 62 volunteers from the district. Staff members screen the clients for financial eligibility, refer qualifying clients to volunteer attorneys and receive final reports from the attorneys on the referred cases.

- (2) **The Community Legal Clinic of the IU School Of Law** serves approximately 30 clients each year with family law problems. Through its faculty director, law students represent these clients. The program is a teaching vehicle, which does not use volunteer attorneys. The cost of the clinic is approximately \$162,000 each year.
- (3) **The Child Advocacy Clinic of the IU School of Law** is an educational program in which law students represent children as Guardians Ad Litem and other law students represent these GALs. The annual expense of \$180,000 reflects the teaching mission of this program.

GOALS

The District 10 Committee has identified several long-range goals including creation of a legal resource room for unrepresented individuals, distribution of *pro se* forms and pamphlets for

certain legal problems and a court-administered program for assignment of *pro bono* cases. However, the success of any of these depends upon the sustained efforts of volunteer attorneys. Therefore our first and most important goal is to secure the services of attorneys and to sustain their participation in *pro bono* efforts.

PLAN

Recruitment, retention and recognition of volunteer lawyers are the keys to a successful and sustained *pro bono* effort for District 10. The Committee has concluded that these can be accomplished only with the support of the judiciary and the four bar associations. In addition, the plan includes compliance with ABA Standards for Pro Bono Program Governance and an evaluation of our efforts.

1. Recruitment. Our recruitment efforts will have two prongs, one for new lawyers and one for lawyers not new to the profession. Recruitment will be spearheaded by judges and respected members of the bar. Their efforts will be coordinated, assessed and assisted by the District 10 Coordinator that we propose to hire.

For new lawyers, we will ask the judges in our four counties to sponsor a reception in conjunction with the local bar association for all lawyers admitted to practice each year. At the reception new lawyers will be given an overview of *pro bono* opportunities in the district and will be asked to complete a volunteer form. A more established lawyer will be assigned to talk with them after the reception to assure that they connect with one of the *pro bono* opportunities in District 10. This "mentor" attorney will be asked to talk with them throughout their first year about their *pro bono* efforts and what could be done to make that a better experience. The District 10

coordinator will stay in contact with this mentor attorney and be available to the new attorney if questions or concerns arise.

For lawyers not new to the profession, we will focus our efforts on seeing that attorneys are appropriately matched with *pro bono* efforts and programs. Through the volunteer program with LSO, attorneys initially will have 3 options available: the traditional provision of legal services in their offices and/or in court, the "Hot Line" and Special Projects. The first, of course, needs no explanation. The "Hot Line" will allow lawyers to provide phone consultations to indigent clients who have been pre-screened through LSOI on specific topics, topics they feel comfortable providing information about. A real estate lawyer would talk with a couple facing foreclosure. An insurance defense lawyer could provide litigation tips to an accident victim who seeks property damages in small claims court for an automobile collision. An attorney who works for a municipality or a county might provide information to a tenant about the Housing Code. Lawyers who volunteer for Special Projects will be matched with projects that require no direct client contact. Real estate lawyers could produce an informational handout for senior citizens on mortgage issues. Criminal defense attorneys might create an outline on dealing with the Bureau of Motor Vehicles about license issues. Attorneys expert in consumer finance could produce memoranda concerning those issues for another *pro bono* attorney representing a debtor in court.

To involve these more established attorneys, we intend to ask the judges of our district and respected members of the Bar to talk with attorneys about their *pro bono* efforts and to encourage them to participate in the available programs. However, we intend to give respectful deference to and recognition of attorneys who have their own *pro bono* contributions. Again, our survey

indicates that District 10 attorneys do a substantial amount of "unorganized" *pro bono* work. It is not our intention to discourage these efforts. We are also mindful that under Rule 6.1 providing financial support to organizations that provide legal assistance to the poor is a recognized *pro bono* activity. Our budget anticipates financial contributions from attorneys.

2. Recognition. Our district-wide survey reflects that lawyers don't do *pro bono* work for recognition. They do it because they are professionals with an appreciative view of the importance of legal services for those unable to afford them. Nonetheless, lawyers appreciate recognition. In these times when our profession suffers from an "image problem", it is appropriate that we applaud them and that we publicize their efforts in their home communities.

We intend to propose that the century-old Tri-County Bar that includes Greene, Owen and Monroe County attorneys welcome Lawrence County attorneys to the new district-wide Bar. This group meets once a year and with the inclusion of Lawrence County we will have the perfect opportunity to recognize, in a more formal way, the efforts of the District 10 attorneys providing *pro bono* services. The thirteen judges from the four counties will oversee the development of this annual recognition program. Further District 10 will be active in promoting statewide recognition through the Indiana State Bar Association and the Indiana Supreme Court.

Recognition outside professional organizations is important as well. We will propose that District 10 lawyers make financial contributions through their Community Foundations or LSOI to pay for a spot in the local newspapers recognizing the *pro bono* attorneys each Law Day. The District 10 Coordinator we propose to hire will organize and oversee our "recognition" efforts.

3. Retention. Attorneys will make consistent and sustained *pro bono* contributions if we offer broad opportunities carefully tailored to their areas of expertise and recognize them for their efforts. But we also need to listen carefully to these lawyers as they make their contributions. At least yearly they should be surveyed to determine what resources they need to make their efforts more effective. If lawyers see little value to their contribution they will not be inclined to continue their participation. Further we need to know how the clients assess the services being offered and what changes could be made to serve them better. Client surveys should occur immediately after the provision of the service, whether it is the traditional representation or a Hot Line contact. Client feedback should shape the future of our efforts and be made available to the attorneys. We will retain more lawyers if they know that the help they are providing is valued not only by the Bench and Bar, but most importantly by the clients they serve.

4. Compliance with ABA Standards. The District 10 Pro Bono Committee will adhere to the ABA Standards for Pro Bono Program Governance in expanding the framework established many years ago with the Monroe County Pro Bono Program. Most of the compliance procedures are already in place for that program. (We will encourage the District 10 attorneys to bring their *pro bono* efforts under that umbrella but will continue to encourage and recognize the efforts of those who do not. There is a rich tradition of *pro bono* contributions within our district that is not connected with an organized program.)

Standards 1.1 through 1.2-3 describe the governing body. The District 10 Pro Bono Committee itself will serve as the governing body, ensuring that the program is in compliance with all legal and fiscal requirements. Further, the Committee will not interfere with the attorney-client

relationship for any of its cases, and members will not influence any decision with which they may have a conflict of interest. As already constituted, the District 10 Committee represents various segments of the legal community, with emphasis on participation by the client community. When the program officially launches, each committee member will receive thorough orientation and training.

Standards 2.1 through 2.12 define the standards for program effectiveness. Our program will identify the legal needs of those in the service area through the intake procedures of the Bloomington LSOI office. Program priorities will match those of LSOI, with variations to be decided upon by the Committee. The delivery model is matched to local needs and provides for variation in what types of cases each *pro bono* attorney will accept.

A subcommittee has been designated to develop a formal evaluation of the District 10 Pro Bono project. The evaluation will include a determination of outcomes and measures, data collection and assessment. It will include the design and implementation of client, attorney and judge surveys; collection of data on the numbers and types of clients served, types of legal services provided, litigation length, results obtained and referral sources; and assessment of the numbers of attorneys recruited, recruitment mechanisms, recognition efforts and attorney retention. The subcommittee will attempt to engage the services of Indiana University Center for Survey Research in designing the evaluation unless the State Pro Bono Commission develops evaluation tools for all districts.

Through this program, District 10 will be able to work with the organized bar, the judiciary, and community organizations in each county to provide lasting results responsive to

clients= needs. The program will be fiscally responsible, follow appropriate accounting principles and periodically evaluate its effectiveness.

Standards 3.1 through 3.5-8 describe the relations with clients and volunteers. The District 10 program will have clear conflict of interest checking procedures; will ensure communication of the relationships created between the program, volunteers, and clients; and will reflect the diversity of our communities. The program will preserve client confidentiality, follow written eligibility guidelines and use the LSOI grievance procedure. The District 10 Pro Bono Coordinator and the Committee members will establish regular recruitment strategies, develop options for volunteer commitments, and will maintain professional liability insurance for itself, the staff and the volunteer attorneys. The program will pay costs for clients and volunteers according to the existing LSOI policy.

Standards 4.1 through 4.8 describe how to facilitate effective delivery of service. The District 10 Committee will recruit and train quality volunteers, follow written case priority guidelines, use the LSOI Hotline intake system, place clients through the LSOI - Bloomington office manager and the new District 10 Pro Bono Coordinator and track the progress of each case. Records will be kept on cases, conflicts, applicants, and volunteers. Finally, the program will employ personnel who are competent, sensitive and committed to the provision of high quality legal services. Any non-attorney staff will be appropriately supervised by attorney staff.

NEEDS

Three changes must be made to accomplish the goals of Rule 6.5 in our four counties:

1. **DISTRICT 10 GOVERNANCE PLAN.** The District 10 Governance Plan should be changed to provide that the Bar Presidents of the four counties and one judge from each County are permanent appointments to the Committee. This change can be made quickly and without cost. It is an essential change because our goals can only be accomplished with the sustained support of the local Bar associations and the judiciary.

2. **DISTRICT 10 PRO BONO COORDINATOR.** Our plan needs to be overseen and managed by a coordinator. This coordinator will be the Plan Administrator required by Rule 6.5(g)(2). The heart of District 10's *pro bono* efforts will always be the volunteer services of attorneys but to maximize these efforts we must create a paid position of "District 10 Pro Bono Coordinator" with the following responsibilities:

- A. Coordinate the recruitment of *pro bono* lawyers;
- B. Create and update a directory reflecting participating attorneys and the types and number of referrals they accept;
- C. Coordinate the provision of resources (law student assistance, research and training programs and materials) to volunteer attorneys;
- D. Develop and administer a lawyer recognition program with the Bar presidents and the judges;
- E. Implement an assessment plan to evaluate the provisions of *pro bono* services; and
- F. Oversee the plan to obtain matching funds and in-kind contributions for funding the coordinator position and associated costs.

The District 10 Coordinator will be a lawyer or at least someone with ties to and experience in the justice system. Given budget constraints, this position would initially be part-time. The cost for salary and fringe benefits will be \$13,965. There are attendant costs, which are set out in our proposed budget.

3. **INTAKE AND REFERRAL PERSONNEL.** We anticipate an influx of volunteer attorneys. A request was made for additional volunteers at the Monroe County Bench-Bar Conference this Spring and already 20 new volunteer lawyers are working with LSOI. To adequately and professionally represent indigent clients, attorney referrals must be made expeditiously. Therefore it is essential to increase our resources in this area. Our long-term goal is to hire Intake and Referral Paralegals who would operate out of our local LSOI office. However, the anticipated annual cost for each such position (including salary, fringe benefits, equipment and supplies) is approximately \$33,000. We are not confident that the funds from IOLTA and our immediate fundraising efforts will support these positions. Therefore we are proposing that we fund LSOI's hiring of two ten hour per week work-study law students to assist with intake and referral. We anticipate that the portion of their wages we will pay will be \$5000.

DISTRICT 10 BUDGET

	IOLTA \$	Other \$	In-Kind	Total
PERSONNEL COSTS				
Part-time Coordinator	13,965			13,965
Two work-study students	5,000	5,000 (IU)		10,000
(Benefits included in the above)				
SPACE			5,000 (LSOI)	5,000
EQUIPMENT LEASE			400 (LSOI)	400
COMPUTER EQUIPMENT	2,000			2,000
OFFICE SUPPLIES		300 (Bar/Atty)		300
POSTAGE		300 (Bar/Atty)		300
PRINTING	300	300 (Bar/Atty)		600
TELEPHONE	1,000		500 (LSOI)	1,500
TRAVEL	2,000	500 (Bar/Atty)		2,500
<u>TOTAL EXPENDITURES</u>				
	24,265	4,400*	5,900	34,565

***The District 10 Committee believes it can secure cash contributions of \$1,400 from the four Bar Associations and individual attorneys and believe these contributions will increase in subsequent years.**